

# Exhibit 19

# TOBEROFF & ASSOCIATES, P.C.

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June 13, 2022

Via Email

Molly M. Lens  
O'MELVENY & MYERS LLP  
1999 Avenue of the Stars, 8th Floor  
Los Angeles, CA 90067

**RE: Marvel's Document Production**

*Marvel Characters, Inc. v. Lieber, No. 1:21-cv-07955-LAK; Marvel Characters, Inc. v. Ditko, No. 1:21-cv-07957-LAK; Marvel Characters, Inc. v. Dettwiler, No. 1:21-cv- 07959-LAK; Marvel Characters, Inc. v. Solo, No. 1:21-cv-5316-DG-TAM; and Marvel Characters, Inc. v. Rico, No. 2:21-cv-07624-DMG-KES*

Dear Molly:

We write to further address the deficiencies in Marvel's production of documents. After completing our review of Marvel's production to date, Marvel has still failed to produce relevant, responsive documents in numerous key categories, particularly those from the relevant period (i.e., 1961-1976). Additionally, as noted in our June 8, 2022 letter (incorporated herein by reference), Marvel has still not produced a privilege log, although it has repeatedly objected on the purported basis of privilege.

### **Marvel's Deficient Production**

Without limitation, the following relevant, requested documents are missing from Marvel's production:

- **Agreements with the CREATORS in response to:**
  - Dettwiler RFP Nos. 1, 2
  - Ditko RFP Nos. 1, 2, 4
  - Lieber RFP Nos. 1, 2, 4, 31
  - Rico RFP Nos. 1, 2, 4, 18
  - Colan RFP Nos. 1, 2

While Marvel has produced some agreements with the CREATORS, almost no agreements are from the relevant period. Rather, the earliest of the agreements Marvel has produced is dated 1975.

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- **Payments to and the tax treatment of the CREATORS during the 1960s and 1970s in response to:**
  - Dettwiler RFP Nos. 19, 20, 32
  - Ditko RFP Nos. 21, 22, 34
  - Lieber RFP Nos. 9, 32, 33, 50
  - Rico RFP Nos. 9, 29, 30, 47
  - Colan RFP Nos. 27, 28, 44

The only payment documentation provided in Marvel's production are payments dating, at the earliest, from the 1980s up until 2022. No payment or tax documentation associated with any of the CREATORS or their contributions to the WORKS during the relevant period has been provided. Importantly, no documents produced evidence any payments by Vista Publications, Inc., Non-Pareil Publishing Corp., Canam Publishers Sales Corp., or Atlas Magazines, Inc.

- **Documents evidencing Marvel's alleged right to control the CREATORS in response to:**
  - Dettwiler RFP Nos. 5, 31
  - Ditko RFP Nos. 6, 33, 40
  - Lieber RFP Nos. 6, 49
  - Rico RFP Nos. 6, 46
  - Colan RFP Nos. 5, 43

Marvel has still failed to produce any such documents dated prior to 1975.

- **Documents relating to Stan Lee's employment during the relevant period and payments made to him during the relevant period in response to:**
  - Dettwiler RFP Nos. 6, 8, 9
  - Ditko RFP Nos. 7, 9, 10
  - Lieber RFP Nos. 7, 8, 10, 11, 34, 35
  - Rico RFP Nos. 7, 8, 10, 11, 31, 32
  - Colan RFP Nos. 6, 7, 9, 10, 29, 30

While Marvel did produce some documentation of Stan Lee's benefits, those documents, however, almost entirely fall outside the relevant period and pertain only to Marvel, Magazine Management Co., Inc., and Cadence Industries.

Importantly, no documents produced show that Stan Lee had any connection to Vista Publications, Inc., Non-Pareil Publishing Corp., Canam Publishers Sales Corp., or Atlas Magazines, Inc., which claimed to own the copyrights to the WORKS in question, including without limitation, documents demonstrating any employment by these companies of Stan Lee or payment by these companies to Stan Lee.

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- **Documents evidencing ownership interest in the COPYRIGHT CLAIMANTS, COPYRIGHT CLAIMANTS' relationship to Martin Goodman, and COPYRIGHT CLAIMANTS' relationship to Marvel in response to:**
  - Dettwiler RFP Nos. 11, 12, 13
  - Ditko RFP Nos. 12, 13, 14, 15
  - Lieber RFP Nos. 13, 14, 15, 16, 17, 18, 19, 20
  - Rico RFP Nos. 13, 14, 15, 16
  - Colan RFP Nos. 12, 13, 14

Glaringly absent from Marvel's production are any documents evidencing the COPYRIGHT CLAIMANTS' corporate relationships to Martin Goodman, Marvel, and each other. Marvel must produce these basic, relevant documents immediately.

- **Communications with CREATORS/Stan Lee in response to:**
  - Dettwiler RFP Nos. 14
  - Ditko RFP Nos. 16
  - Lieber RFP Nos. 21, 22
  - Rico RFP Nos. 17
  - Colan RFP Nos. 15, 16

The only communications produced by Marvel were those pertaining to Gene Colan. Alarmingly, Marvel has produced none of its communications with Steve Ditko, Larry Lieber, Don Heck, or Don Rico. Additionally, Marvel has produced almost no communications from Stan Lee other than those he sent to Marvel's payroll department. Marvel must produce these documents immediately.

- **Documents relating to the CREATORS' employment/freelancer status in response to:**
  - Dettwiler RFP Nos. 16, 17, 18
  - Ditko RFP Nos. 18, 19, 20
  - Lieber RFP Nos. 28, 29, 30
  - Rico RFP Nos. 25, 26, 27
  - Colan RFP Nos. 23, 24, 25

Marvel's production contains almost no documents concerning the CREATORS' employment or freelancer status during the relevant period. The earliest such documents are from 1975 and do not bear on the relevant period when the vast majority of the CREATORS worked with Marvel.

- **Any plots, scripts, or outlines relating to the WORKS in response to:**
  - Dettwiler RFP Nos. 23, 24
  - Ditko RFP Nos. 25, 26
  - Lieber RFP Nos. 40, 41
  - Rico RFP Nos. 37, 38
  - Colan RFP No. 35

Marvel has not produced any plot, synopsis, or outline pertaining to any of the WORKS.

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We note that Marvel only made its most recent production of documents after having been prompted by Defendants. Marvel has had four months to produce responsive documents and has still largely failed to do so. Please consider this Defendants' final "prompting" of Marvel. If Marvel does not produce the responsive documents in its possession, custody, or control in the categories described above by June 21, 2022, Defendants will have no choice but to move to compel.

Nothing in this letter should be construed as a waiver or limitation of any of Defendants' rights or remedies, all of which are reserved.

Very truly yours,



Jaymie Parkkinen